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6 Attorney for Protestants Save the California Delta Alliance, et al.

7 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **IN RE CALIFORNIA WATERFIX**
10 **CALIFORNIA DEPARTMENT OF**
11 **BUREAU OF RECLAMATION**
12 **PETITION FOR CHANGES IN**
13 **WATER RIGHTS, POINTS OF**
14 **DIVERSION/RE-DIVERSION**

PROTESTANT SAVE THE CALIFORNIA
DELTA ALLIANCE, ET AL.'s WRITTEN
TESTIMONY OF RUSSEL OOMS

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1 I, Russel Ooms do hereby declare:

2 **I. Summary of Testimony**

3 The Town of Locke is entirely within the Locke National Historic District, listed on the
4 National Register of Historic Places. According to the National Park Service, Locke is the "largest,
5 most complete example of a rural, agricultural Chinese American community in the United States."

6 CWF will forever change the historic Northern Delta landscape and waterscape. This area of
7 the Delta is the most scenic and the most historic and culturally significant part of the entire Delta.
8 It is as if the project planners sought out the area that would be most negatively impacted by
9 placement of tunnel infrastructure and then decided to make that ground zero for tunnel
10 construction. For example, if the intakes for the tunnels were placed in the Yolo Bypass, which
11 carries millions of acre feet of surplus flood water out to sea, there would be no historic or cultural
12 impact because the bypass is flooded every season anyway and there are no structures or
13 communities there. Putting the intakes in the Yolo Bypass probably also makes better ecological
14 sense because that is where the surplus water is. But my concern is the impact on my community
15 and its heritage. I am just using the Yolo Bypass as an example of something that could be
16 considered to avoid all the historic and cultural impacts.

17 Clarksburg, Hood, Walnut Grove, and Locke are all set in the historic landscape that is
18 pretty much as it was when Locke was built in the early twentieth century. Our cultural institutions
19 and gathering places haven 't changed much since then either. The FEIRIS discloses that
20 "construction activities associated with water conveyance facilities would be anticipated to result in
21 changes to the rural qualities of these communities [legacy communities of Clarksburg, Hood, and
22 Walnut Grove] during the construction period" and could "also result in changes to community
23 cohesion if they were to restrict mobility, reduce opportunities for maintaining face-to-face
24 relationships, or disrupt the functions of community organizations or community gather places
25 Under Alternative 4A, several gathering places that lie in the vicinity of construction areas could be
26 indirectly affected by noise and traffic associated with construction activities." FEIRIS 16-279. The
27 area of the construction sites for intakes 2, 3, and 5, as well as the intermediate forebay and the
28 muck piles (where the tunnel muck will be dumped) are much larger than the area of our

1 communities. The construction activities will be ongoing for a decade or more and thousands of
2 construction workers will flood the area.

3 In my opinion, the entire character and community cohesion of these delicate places will be
4 lost forever. Towns will be abandoned. We cannot survive the current plan.

5 There are significant multi-year (permanent) impacts due to construction activities at the
6 intakes. The SDEIS describes construction-related cofferdams sticking out 60 feet into the
7 Sacramento River at three locations over about six miles on the east bank of the River between Elk
8 Slough and Snodgrass Slough. The SDEIS states that “warning signs and buoys would be posted
9 upstream, downstream of, and at the construction sites” for the intakes. **(cite)** It also describes barge
10 traffic servicing the intake construction sites. It is reasonably foreseeable that multiple barges with
11 construction equipment and supplies will be anchored throughout this stretch of the river. Safety
12 concerns will likely result in a five mile per hour zone along this entire stretch of river. Prudent
13 boaters will feel compelled to slow to five miles per hour or avoid the area in any event.

14 The intakes and associated industrial facilities are in close proximity to the town of Locke
15 and the Locke Historic District, which preserves the cultural and aesthetic history of Chinese
16 immigrants to the Delta. The Locke Historic District is “the largest, most complete example of a
17 rural, agricultural Chinese American community in the United States.” National Park Service, *Locke*
18 *Historic District, available at*
19 *[http://www.nps.gov/nr/travel/Asian_American_and_Pacific_Islander_Heritage/Locke-Historic-](http://www.nps.gov/nr/travel/Asian_American_and_Pacific_Islander_Heritage/Locke-Historic-District.htm)*
20 *District.htm*, last visited November 7, 2015. The historic district exists in the context of the largely
21 unaltered late nineteenth century landscape surrounding it. It is now, for the most part, as it was
22 when the immigrants first settled here. The industrial forebay, as well as the tunnel muck dumping
23 sites, are in very close proximity to the town of Locke. There are historic homes on the banks of the
24 Sacramento River close to the intakes. Perhaps the only remaining example of a levee-side historic
25 farmhouse is near one of the intakes. The nearby town of Hood is an iconic example of the Delta-as
26 place. The intake facilities change the character of the entire area and present an unavoidable
27 adverse effect on the historic values of the area. The intake structures are existentially incompatible
28 with maintaining the historical sense of the area.

1 This is an adverse unavoidable aesthetic impact, the entire historic vernacular landscape that
2 emanates from the Locke Historic District and the historically preserved character of the area. A
3 Programmatic Agreement under Section 106 cannot mitigate or avoid these impacts after permits
4 are issued because only an alternative plan for the project can avoid or lessen these impacts. One
5 3,000 cfs intake is likely the most that can be placed in this area without destroying the aesthetics
6 and cultural significance of this Delta landscape. A better alternative, from the historic perspective,
7 would be to avoid the area entirely because the applicant has chosen the most scenic and historically
8 significant point in the Delta for its project.

9 We are very concerned that the impacts of the CWF on Locke and its Chinese American
10 community members and heritage are being ignored by the state and federal agencies pursuing the
11 CWF project. According to the United States Environmental Protection Agency, Environmental
12 Justice is:

13 the fair treatment and meaningful involvement of all people regardless of race, color,
14 national origin, or income, with respect to the development, implementation, and
enforcement of environmental laws, regulations, and policies.

15 (<https://www.epa.gov/environmentaljustice>.)

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17 Executed this 30th day of November at Walnut Grove, California,

18 s/Russel Ooms

19 Russel Ooms